IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5830 OF 2004

Uday M. Bhagwat ..... Petitioner

Versus

Assistant Provident Fund Commissioner and Ors. ....Respondents.

Mr. Rajesh Gehani for the petitioner.
Ms. Seema Chettri, instructed by Mr. Suresh Kumar, for respondent Nos.1 and 2.

CORAM: **KSHITIJ R. VYAS, C.J.** &
DR. D.Y. CHANDRACHUD, J.
DATE: **APRIL 17, 2006**.

P.C.

Heard learned counsel appearing for the parties.

2. The petitioner challenges the recovery certificate dated 20th April, 2004, at Exhibit-D, and the show cause notice before issue of arrest warrant dated 15th June, 2004, at Exhibit-F to the petition.

3. According to the respondent, as on 2nd December, 2005, the petitioner has not deposited Rs.3,02,630/- being the amount of employer's contribution to the Assistant Provident Fund Commissioner.

4. We do not find any merit in the petition. Considering the

difficulties of the petitioner to deposit the amount claimed by the respondents, the following directions are issued to meet the ends of justice.

(i) The petitioner shall contact the Assistant Provident Fund Commissioner, Sub Accounts Office, Vashi, within a period of two weeks from today and get the exact amount to be paid by him. On getting the exact details of the amount, the petitioner shall clear the entire dues in 5 monthly instalments. The first four instalments shall be of Rs. 60,000/- each and the last instalment shall be the balance due and payable;

(ii) The first instalment shall be paid on or before 15th May, 2006 and the next instalments on 15th day of each succeeding month;

(iii) Until 15th September, 2006, the respondents shall suspend the show cause notice before issue of arrest warrant against the petitioner;

(iv) It is, however, made clear that on failure to pay any single instalment, the respondent would be at liberty to execute the show cause notice before issue of arrest warrant issued against the petitioner;

(v) It is made clear that on paying the entire dues, the show cause notice before issue of arrest warrant shall cease to operate against the petitioner.

5. The petition stands disposed of in the aforesaid terms.

CHIEF JUSTICE

DR. D.Y. CHANDRACHUD, J.